

REMARKS

By this Amendment, claim 17 is amended to further clarify the recited subject matter. Claims 1-17 are pending.

Claims 1-16 have been deemed allowable. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. (EP 0521090; hereafter “Fujii”) and Royer (U.S. 5,506,869). Applicant traverses the rejection because the cited prior art fails to disclose, teach or suggest the claimed network element. For example, the cited prior art fails to disclose, teach or suggest such a network element including “means for allocating a regular frequency as a BCCH frequency in said some of the cells, such that in said some of the cells, a radio frequency assigned in call-setup and handover from another cell is always a regular frequency,” as recited in claim 17

Applicants submit that claim 17 now recites subject matter similar to that previously identified with regard to allowable claims 1, 9 and 16 and being lacking in the cited prior art of record. Fujii merely discloses a conventional “re-use partition” of cells in a mobile communication system, in which the same channel or the same frequency is re-used in cells in different clusters. However, there is no teaching or suggestion in Fujii of a network element including means for allocating a regular frequency as a BCCH frequency in the cells (that have allocated one regular frequency and at least one super-reuse frequency), such that in those cells, a radio frequency assigned in call-setup and handover from another cell is always a regular frequency.

Royer fails to remedy the deficiencies of Fujii because Royer merely discloses estimation of carrier-to-interference ratios of signals transmitted between cellular radio base stations and mobile units, wherein a SAT signal is transmitted from a base station to a mobile unit served by that base station.

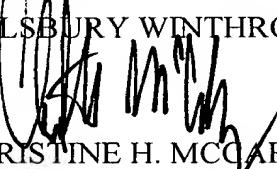
Therefore, the invention recited in claim 9 is patentable over the teachings of Fujii, and Royer analyzed individually or in combination. Therefore, claim 17 is allowable.

All objections and rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants’ undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP


CHRISTINE H. McCARTHY
Reg. No. 41844
Tel. No. 703. 905.2143
Fax No. 703 905.2500

Date: March 8, 2005
P.O. Box 10500
McLean, VA 22102
(703) 905-2000